

1 during a trial that a prosecutor didn't know
2 about some potentially exculpatory information
3 that came up in the investigation?

4 A That would be speculation on my part.

5 Q Well, I'm asking what you recall your duties,
6 if any, to have been about that. Did you -- did
7 you at the time have a duty to do anything if
8 that happened?

9 MR. FUNK: Objection. I
10 think you might be confusing.
11 You're asking him --

12 MS. GREENE: Let me
13 rephrase then. I'll rephrase.

14 MR. FUNK: You're saying
15 like if you were at the table as a
16 detective.

17 THE WITNESS: Right.

18 MS. GREENE: Yeah.

19 BY MS. GREENE:

20 Q So let me just ask it a better way. You
21 know --

22 A Okay.

23 Q -- sometimes my questions aren't clear.
24 Sorry about that.

25 So if a detective is sitting at the counsel

1 table with the prosecutors and, you know, let's
2 say you were that detective -- right?

3 A Right.

4 Q -- and you became aware as you were watching
5 the trial unfold that the prosecutor clearly
6 doesn't know about some exculpatory information
7 that came up during the investigation that you
8 know about, what was your understanding of what
9 you were supposed to do or if you were supposed
10 to do anything in that circumstance?

11 MR. FUNK: Objection.

12 A That would be speculation. I don't know.

13 Q Well, what would you think that you should do
14 if that happened?

15 A I would call it to the prosecutor's
16 attention.

17 Q So you think that's what your duty would be
18 in that circumstance?

19 A Yes.

20 Q Now, do you recall any training or policies
21 or GPOs on that topic?

22 A There could have been, but I don't recall.

23 Q And why would you think you would need to
24 tell the prosecutor?

25 A Everyone wants justice.

1 Q Did you believe that you had a duty to do
2 that related to any particular rule or policy or
3 anything else?

4 A No.

5 Q Okay. Nobody ever told you that you had a
6 duty to do that. That's just your sense of what
7 you should do.

8 A Yes. Of course.

9 Q Okay. Likewise, in those same kinds of
10 circumstances where you're a detective sitting at
11 the counsel table during a trial and you see a
12 witness testifying on the stand inconsistently
13 with a prior statement that you know about from
14 your investigation, is there any duty to do
15 anything when that happens?

16 MR. FUNK: Objection.

17 A I would consult with the prosecutor.

18 Q And that's just because you think that's the
19 right thing to do. No one ever told you to do
20 it, right?

21 MR. FUNK: Objection.

22 A No. No one -- it was not spelled out. It's
23 obvious what you should do there.

24 Q But it's not written in any policy or rule
25 that you recall, right?